

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DALTON BROCK,**

**Plaintiff,**

**9:12-CV-808**

**v.**

**CORRECTION OFFICER M. LECLAIR,  
SERGEANT J. WHITNEY,**

**Defendants.**

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**VERDICT SHEET FORM**

**PLEASE NOTE - Each Juror will be provided with a Verdict Sheet Form in order to facilitate understanding of the charge and to aid in deliberation as to the elements of each claim. HOWEVER, YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON ONLY ONE VERDICT SHEET FORM WHICH IS SIGNED BY THE JURY FOREPERSON. The remaining Verdict Sheet Forms should be returned to the courtroom deputy unsigned. Each question must be answered unanimously.**

**ALSO, PLEASE CAREFULLY FOLLOW THE BOLD-TYPE DIRECTIONS ACCOMPANYING EACH QUESTION.**

1. **Claim of Excessive Force by Michael LeClair on March 3, 2011.**

- A. Do you find that Plaintiff has established by a preponderance of the evidence a Section 1983 (42 U.S.C. § 1983) "Eight Amendment Excessive Force" claim against Defendant Michael LeClair based on events from March 3, 2011?

Yes X No \_\_\_\_\_

If you answered "YES" to this question, proceed to Question 1B.

If you answered "NO" to this question, proceed to Question 2A.

- B. State the amount of actual damages, if any, which Plaintiff is entitled to recover as a result of the excessive force by Michael LeClair.

\$ 40,000.00

If your answer to Question 1B is \$0.00, answer question 1C.

If your answer to Question 1B is more than \$0.00, go to Question 3A.

- C. Do you find that Plaintiff is entitled to an award of nominal damages in the amount of \$1.00 as a result of the excessive force by Michael LeClair ?

(Remember, in the event that Plaintiff has proven his claim against a defendant but failed to prove by a preponderance of the evidence that he suffered actual damages, you must award him nominal damages in the amount of \$1.00.)

Yes \_\_\_\_\_ No \_\_\_\_\_

**Go to Question 3A.**

2. **Claim of Failure to Intervene by Michael LeClair on March 3, 2011.**

- A. Do you find that Plaintiff has established by a preponderance of the evidence a Section 1983 (42 U.S.C. § 1983) "Eight Amendment Failure to Intervene" claim against Defendant Michael LeClair based on events from March 3, 2011?

Yes X No \_\_\_\_\_

If you answered "YES" to this question, proceed to Question 2B.

If you answered "NO" to this question, proceed to Question 3A.

- B. State the amount of actual damages, if any, which Plaintiff is entitled to recover as a result of the failure to intervene by Michael LeClair.

\$ 20,000.00

If your answer to Question 2B is \$0.00, answer question 2C.

If your answer to Question 2B is more than \$0.00, go to Question 3A.

- C. Do you find that Plaintiff is entitled to an award of nominal damages in the amount of \$1.00 as a result of the failure to intervene by Michael LeClair?

(Remember, in the event that Plaintiff has proven his claim against a defendant but failed to prove by a preponderance of the evidence that he suffered actual damages, you must award him nominal damages in the amount of \$1.00.)

Yes \_\_\_\_\_ No \_\_\_\_\_

3. **Claim of Excessive Force by Jody Whitney on March 3, 2011.**

- A. Do you find that Plaintiff has established by a preponderance of the evidence a Section 1983 (42 U.S.C. § 1983) "Eight Amendment Excessive Force" claim against Defendant Jody Whitney based on events from March 3, 2011?

Yes X No \_\_\_\_\_

If you answered "YES" to this question, proceed to Question 3B.

If you answered "NO" to this question, proceed to Question 4A.

- B. State the amount of actual damages, if any, which Plaintiff is entitled to recover as a result of the excessive force by Jody Whitney on March 3, 2011.

\$ 10,000.00

If your answer to Question 3B is \$0.00, answer question 3C.

If your answer to Question 3B is more than \$0.00, go to Question 5.

- C. Do you find that Plaintiff is entitled to an award of nominal damages in the amount of \$1.00 as a result of the excessive force by Jody Whitney?

(Remember, in the event that Plaintiff has proven his claim against a defendant but failed to prove by a preponderance of the evidence that he suffered actual damages, you must award him nominal damages in the amount of \$1.00.)

Yes \_\_\_\_\_ No \_\_\_\_\_

Go to Question 5.

4. **Claim of Failure to Intervene by Jody Whitney on March 3, 2011.**

- A. Do you find that Plaintiff has established by a preponderance of the evidence a Section 1983 (42 U.S.C. § 1983) "Eight Amendment Failure to Intervene" claim against Defendant Jody Whitney based on events from March 3, 2011?

Yes X No \_\_\_\_\_

If you answered "YES" to this question, proceed to Question 4B.

If you answered "NO" to this question, proceed to Question 5.

- B. State the amount of actual damages, if any, which Plaintiff is entitled to recover as a result of the failure to intervene by Jody Whitney on March 3, 2011.

\$ 30,000.00

If your answer to Question 4B is \$0.00, answer question 4C.

If your answer to Question 4B is more than \$0.00, go to Question 5.

- C. Do you find that Plaintiff is entitled to an award of nominal damages in the amount of \$1.00 as a result of the failure to intervene by Jody Whitney?

(Remember, in the event that Plaintiff has proven his claim against a defendant but failed to prove by a preponderance of the evidence that he suffered actual damages, you must award him nominal damages in the amount of \$1.00.)

Yes \_\_\_\_\_ No \_\_\_\_\_

**Go to Question 5**

**5. Punitive Damages**

Do you find it is appropriate to award punitive damages against either of the defendants for their actions on March 3, 2011.

**NOTE: Punitive damages may only be awarded against a defendant who received a "YES" answer to questions 1A, 2A, 3A, or 4A.**

Michael LeClair	Yes <input checked="" type="checkbox"/>	No _____
Jody Whitney	Yes <input checked="" type="checkbox"/>	No _____

If you answered "Yes" with respect to either defendant, you need not determine an amount of punitive damages at this time.

Your deliberations are complete.

PLEASE REPORT YOUR VERDICT TO THE MARSHAL. PLEASE REMEMBER TO DATE AND SIGN THIS VERDICT SHEET. THANK YOU.

\*\* REDACTED NAME \*\*

6/19/14  
Date

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Foreperson

6/19/2014

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